

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NON-FEE

#1D

7/31/03

Attorney Docket: P4136-DIV

Meier

In re the Application of: Gene R. Jackson

Examiner: J. Parsa.

FAX RECEIVED

Serial No.: 09/887,692

Group Art Unit: 1621

JUL 28 2003

Filed: 06/18/01

GROUP 1600

For: A NOVEL METHOD FOR PRODUCTION OF MIXED...

OFFICIAL

Commissioner For Patents,
Mailstop Amendment- Non-Fee
PO Box 1450, Alexandria, VA 22313-1450.

VIA FACSIMILE: I-703/308-4556

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JUL 28 2003

LETTER OF INQUIRY

TECH CENTER 1600/2900

Dear Sir:

In response to the Office Action mailed July 8, 2003, this is a request for clarification of the status of that action.

It is noted that the "Office Action Summary", at 2a) indicates that "This action is FINAL." It is further noted that the "DETAILED ACTION", at pages 2-6, fails to indicate that the action is "FINAL". It is therefore requested that Primary Examiner clarify whether the action is "FINAL" or "non-final".

It is requested that the Office provide undersigned with a written response, and that the time period for response to the Action then be set to run for at least three months from the date of that written response.

A Final Action In This Case Would Be Premature:

It is noted that new claims 11-16, which do not correspond in scope or style to previously "finally rejected claims 3 and 4", were filed as part of a Preliminary Amendment with the above identified continuation application, and have been entered by the Office. In view of the fact that there are now new claims in this continuation application, then under 37 CFR 1.114, a "FINAL" rejection is not proper as a first action. It is therefore requested that if a "FINAL" rejection has been made, that it be withdrawn and the above identified Action be treated as a non-final Office Action.

CONCLUSION

In view of the foregoing, it is requested that the status of the Office Action of July 8, 2003 be clarified as being "FINAL" or non-final, and that if it was intended to be "FINAL", that it be changed to a non-final status. In addition, it is requested that a written response be provided, and

that, at least a three month period for response from the mailing date of that clarification and response be set.

Respectfully submitted,

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Enclosures

DWM:djb

Powerenr/catltrinquirypatos

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that on this date this correspondence is being transmitted *via facsimile* addressed to: Commissioner For Patents at 1/703/308-4556.

Donald W. Margolis
DONALD W. MARGOLIS, Reg. No. 22,045

07/25/03
Date